THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5806 of 1999

DATED:18-08-2005

Between:

M/s. Laminated Packings Pvt. Ltd. Rep. by Director, Sri V. Sethi
A-1, Industrial Estate, Visakhapatnam-07

..... PETITIONER

AND

1 The Hon'ble Industrial Tribunal cum Labour Court, Rep. by Presiding Officer, Visakhapatnam and another.

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.5806 of 1999

ORAL ORDER:

This is an unfortunate case. The Writ Petition is filed by the management being aggrieved by an Order dated 5-3-1999 dismissing I.A.No.48 of 1999 in I.D.No.487 of 1995 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, which was filed by the Management with a prayer to adjudicate the question whether the Industrial Dispute abated on account of the alleged closure of the industry in question, as a preliminary issue.

The Labour Court, after hearing both sides, decided the matter holding that the closure or winding up may at the most facilitate the management to mould the relief of the workman, if it comes to that; but surely, there is no justification to think that with the closure of industry the industrial dispute also abates. Therefore, the Interlocutory Application was dismissed. Aggrieved by the same, the present Writ Petition is filed.

In view of the above findings, I am of the opinion that the Labour Court has not committed any error in passing such an order in the I.A. The Labour Court is directed to dispose of the main I.D. itself on its own merits and also taking into con

./sideration the issues raised in the I.A. No interlocutory application shall be entertained in industrial adjudication as a piece-meal measure, whether as a preliminary issue or otherwise. All the issues have to be taken up together and the I.D. itself should be disposed of; otherwise, it will cause lot of inconvenience to the workman involved and the very purpose of summary proceedings of industrial adjudication is defeated.

In the result, the Writ Petition is disposed of directing the Industrial Tribunal-cum-Labour Court, Visakhapatnam is to dispose of I.D.No.487 of 1995, pending on its file, within a period of six months from the date of receipt of a copy of this order. No order as to costs.

18-8-2005

stp/prk